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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,719	08/11/2001	Clarence E. Blanchard	JT-3166-US	6359

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EXAMINER

WRIGHT, ANDREW D

ART UNIT PAPER NUMBER

3617

DATE MAILED: 09/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/927,719

Applicant(s)

BLANCHARD, CLARENCE E.

Examiner

Andrew Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 29-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34-42 and 45-48 is/are allowed.
- 6) ☒ Claim(s) 29-33, 43 and 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 43 and 44 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schulz (US 3,105,353). Schulz discloses a jet powered boat with an outboard waterjet propulsion system mounted to the stern of the hull. As shown in figure 1, a thrust bracket (not numbered) is arranged between the waterjet propulsion system and the hull. The thrust bracket has a flat plate that sits flush against the transom and has two arms that extend generally parallel to each other and perpendicular to the flat plate and transom. The arms have three holes that the skilled artisan will recognize as facilitating tilt of the propulsion system. It is shown in figure 1 that the rearmost edge of the arms flank respective adjoining portions of housing (10) of the propulsion system. The rearmost edge of the arms that flank the housing will restrain lateral displacement of the housing.

3. Regarding claim 44, one skilled in the art will recognize the pivot tube that is depicted in figure 1 as disposed vertically between the flanking arms of the thrust bracket. A pair of brackets at the lower end of the tube couple the pivot tube to the housing (10). The system can be pivoted about the vertical axis of the tube to effect steering of the boat.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulz (US 3,105,353) in view of Ishigaki (US 6,283,805). Schulz discloses a boat with the waterjet propulsion system, a thrust bracket, and a pivot tube with an associated pair of brackets. The system further comprises an engine (12) supported by exhaust housing (10). The exhaust housing (10) has an exhaust passage (37) and is flanked by the thrust bracket as described above with respect to claims 43-44. Schulz discloses a pump unit (18) at the base of the exhaust housing. The pump unit has radial flow impeller disposed inside of and moving water through a duct. The impeller is driven by a vertical drive shaft that is connected to the engine. The pump unit has an exhaust passage (36) in fluid communication with the exhaust gas passage (37) of the exhaust housing (10). Schulz discloses a radial flow impeller, not an axial flow impeller. Ishigaki discloses a boat with an outboard waterjet propulsion system that comprises an axial flow impeller. Axial, radial, and mixed axial-radial flow impellers are all known in the art. A motivating factor in using one over the others is often the characteristic of the thrust produced by the particular type. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Schulz by using an axial flow impeller as taught by Ishigaki instead of a radial flow

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impeller. The motivation would be to optimize design parameters including the thrust characteristics of the waterjet system.

6. Regarding claim 31, Ishigaki discloses gears for converting the rotation of the vertical drive shaft to rotation of the horizontal impeller shaft of the axial impeller. When modifying the invention as described with respect to claim 29, it would necessarily be obvious to provide a means to convert the rotation of the vertical drive shaft to a horizontal rotation of the axial flow impeller. Based upon the teaching of Ishigaki, it would have been obvious to use meshing bevel gears, one on the vertical drive shaft and one on the horizontal impeller shaft.

7. Regarding claim 33, both Schulz and Ishigaki disclose a generally horizontal duct inlet that is disposed not lower than the lowest point on the hull bottom.

***Allowable Subject Matter***

8. Claims 34-42 and 45-48 are allowed.

9. The following is an examiner's statement of reasons for allowance: regarding claim 34, the prior art does not teach or suggest a boat with an outboard waterjet propulsion system comprising a vertical drive shaft, a horizontal impeller shaft, and the recited housing structures; regarding claim 45, the prior art does not teach or suggest a boat with an outboard waterjet propulsion system comprising the recited configuration of drive train, inlet housing, outlet housing, and exhaust housing.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

10. Applicant's arguments with respect to claims 29-48 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

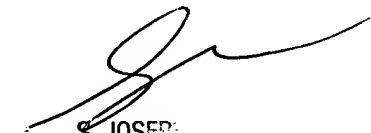
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. Any inquiry concerning this communication should be directed to examiner Andrew D. Wright at telephone number (703) 308-6841. The examiner can normally be reached Monday-Friday from 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano, can be reached at (703) 308-0230. The fax number for official communications is 703-872-9326 for before final proceedings and 703-872-9327 for after final proceedings. The fax number for the examiner for unofficial communications is 703-746-3548.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703) 308-1113.

Andrew D. Wright  
Patent Examiner  
Art Unit 3617



S. JOSE  
SUPERVISOR  
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